



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 814 (as introduced 10-18-05)
Sponsor: Senator Bruce Patterson
Committee: Technology and Energy

Date Completed: 11-9-05

CONTENT

The bill would amend the Michigan Vehicle Code to do the following:

- Require the Secretary of State (SOS) to add an additional point to a person's driving record if the use of a cellular phone contributed to a traffic violation.
- Increase by \$25 the civil fine for a person determined to be responsible or responsible "with explanation" for a traffic violation, if use of a cellular phone contributed to the violation.
- Prohibit an individual with a temporary instruction permit or Level 1 or 2 graduated licensing status (described below) from using a handheld cell phone while operating a motor vehicle; and provide that a violator would be responsible for a civil infraction.
- Require the Michigan Department of State Police (MSP) to report to the House and Senate standing committees on transportation concerning whether, in the interest of public safety, it would be advisable to limit drivers to using only hands-free cell phones while driving on the State's highways.
- Require the SOS, in conjunction with the MSP, to report to the legislative standing committees on transportation two years after the bill took effect on the number of cases in which a cell phone contributed to a violation of the Code for which a civil fine was imposed.

MCL 257.320a et al.

BACKGROUND

Under the Code, the SOS may issue to a person who is at least 18 years old a temporary instruction permit entitling the person to drive for a period of 180 days when accompanied by a licensed adult operator or chauffeur who is occupying a seat beside the driver. Additionally, the Code prohibits the SOS from issuing an operator's or chauffeur's license to a person who is at least 18 years old and has not previously been licensed in Michigan or any other state or country until 30 days after he or she has obtained a temporary instruction permit.

Under the Code, a person who is at least 14 years and nine months old may be issued a Level 1 graduated licensing status if he or she has passed a vision test and met health standards prescribed by the SOS; successfully completed Segment 1 of a driver education course, including at least six hours of on-the-road driving time with the instructor; and received written approval of a parent or legal guardian.

A person issued a Level 1 status may operate a motor vehicle only when accompanied by a licensed parent or legal guardian or, with the parent's or guardian's permission, a licensed driver who is at least 21 years old. A person is restricted to Level 1 status for at least six months.

A person may be issued Level 2 status if he or she had a Level 1 license for at least six months; successfully completed Segment 2 of a driver education course; not incurred a moving violation resulting in a conviction or civil infraction determination, or been involved in an accident for which the official police report indicates a moving violation on his or her part during the 90-day period immediately preceding application; presented a certification by the parent or guardian that he or she, accompanied by a licensed parent or guardian, has accumulated at least 50 hours of behind-the-wheel experience, including at least 10 nighttime hours; and successfully completed an SOS-approved driving skills test.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would result in additional revenue to the State and local units of government. Fine revenue from civil infractions under the Michigan Vehicle Code would be allocated to public libraries. Fines resulting from citations for violations of corresponding local ordinances are shared between the local unit of government and the court funding unit.

Additional fine revenue would result from the \$25 increase for traffic violations in which use of a cellular phone contributed to the violation. Also, the additional point assessed could result in Driver Responsibility assessments pursuant to MCL 257.732a, which provides for additional fees for drivers with seven or more points on their driving record.

Creating a new civil infraction for individuals with temporary instruction permits or Level 1 or 2 graduated driver licenses would result in additional fine revenue, court costs, and Justice System Fund assessments. According to the Insurance Institute of Michigan, there are 272,976 drivers under the age of 18 in Michigan.

Reporting requirements would have no significant impact on the Department of State or the Department of State Police.

Fiscal Analyst: Bill Bowerman

S0506\sb814sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.